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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/505,062

02/16/2000

Jeffrey Dwork

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5785

20277

7590

05/05/2004

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

8

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/505,062

Applicant(s)

DWORK, JEFFREY

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 8-12, 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the appeal brief filed on 02/11/2004, PROSECUTION IS HEREBY REOPENED. The term sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booth (U.S Patent No 6,065,073) in the view of Kelley, Jr. et al (US Patent No. 4751,630)

Regarding claim 1, Booth discloses an arrangement for polling external physical layer device (PHY) registers in a network, comprising:

a number (m) of poll data registers that receive polled information from the PHY registers (col.20 lines 5-40); and

poll logic that automatically polls those PHY registers indicated by the information in the poll registers as PHY registers to be polled, and stores the polled information in the PHY registers. See col.19 lines 20-65.

Booth does not disclose a number (n) of poll registers that store information indicating which PHY registers are to be polled. However, it would have been obvious to one having ordinary skill in the art to have the number of poll registers used for an indication of which PHY register being polled so that a selective NIC can be chosen for processing due to an interrupt signal. For example, Kelley discloses addresses of polling list terminals stored in registers for the lookup of specific addresses to be polled, col.6 lines 35-45. Therefore, the overall system performance is effectively achieved.

Regarding claim 13, Booth discloses a method of automatically polling physical layer device (PHY) registers of a network, comprising the steps of:

storing addresses of a subset of PHY registers from a plurality of PHY registers; periodically polling the PHY registers whose addresses are stored (col.19 lines 50-65);

storing polling results obtained by the periodically polling;

comparing the polling results with previous polling results (col.21 lines 1-25); and

generating an interrupt signal when the polling results are different from the previous polling results. See col.16 lines 30-55.

Booth does not disclose the storing address of a subset of PHY registers from a plurality of PHY registers. However, Booth discloses that addresses of PHY registers being retrieved by the auto-polling unit for polling, col.19 lines 55-65. Therefore, it would be obvious to one having ordinary skill in the art to have addresses of PHY registers stored at a memory or registers so that the locations of PHY registers can be identified properly by the polling unit for processing.

Regarding claim 2, Booth discloses the poll logic includes comparison logic that compares currently polled information with previously polled information stored in the poll data registers. See col.13 lines 1-35

Regarding claim 3, Booth discloses the poll logic includes write logic responsive to the comparison logic to replace the previously polled information stored in the poll data registers with the currently polled information when the currently polled information is different than the previously polled information. See col.11 lines 30-60.

Regarding claim 4, Booth discloses the poll logic includes interrupts generation logic responsive to the comparison logic to generate an interrupt signal when the currently polled information is different than the previously polled information. See col.12 lines 20-50.

Regarding claim 5, Booth discloses that  $n$  and  $m$  are any integer. See col.8 lines 5-20.

Regarding claim 6, Booth discloses that each of the poll registers includes an address field that contains an address of a PHY containing a PHY register to be polled. See col.5 lines 45-65.

Regarding claim 7, Booth discloses that each of the poll registers includes a register number field that contains the register number of the PHY register to be polled of the PHY indicated by the address contained in the address field. See col.7 lines 20-55.

Regarding claims 14, 15, Booth discloses that the polling results are stored in poll data registers. See col.19 lines 45-67.

***Allowable Subject Matter***


4. Claims 8-12, 16-19, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600